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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
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8 UNITED STATES OF AMERICA,) No. CR-10-00562 LHK
9 Plaintiff,)
10 v.)
11 THOMAS O'MEARA,)
12 Defendant.)
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15 This matter is currently set for status on February 15, 2012. The parties
16 now jointly request that the February 15, 2012 hearing date be reset to
17 February 29, 2012 as defense counsel is not available on February 15, 2012
18 and needs additional time to review discovery and for investigation. Based on
19 the stipulation, the Court finds and holds as follows:

20 1. The currently scheduled February 15, 2012 hearing date is hereby
21 vacated.
22 2. This matter is re-set for status on February 29, 2012 at 10:00 a.m.
23 3. The time between February 15, 2012 and February 29, 2012 is
24 excluded under the Speedy Trial Act. The parties agree that the failure to grant
25 the requested continuance would unreasonable deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
3 that the ends of justice are served by granting the continuance outweigh the
4 best interest of the public and the defendant in a speedy trial and in the prompt
5 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 2/6/2012

/s/

8 Jeane DeKelver
9 Attorney for Tom O'Meara

10 DATED: 2/6/2012

/s/

11 Joseph Fazioli
12 Assistant United States Attorney

13 DATED: 2/6/12

14 IT IS SO ORDERED.

15 
16 Lucy H. Koh
17 United States District Judge

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